

CITY OF SPRINGDALE
Committee Agendas
Monday, February 3rd, 2020
Multi-Purpose Room
City Administration Building
Meetings begin at 5:30 P.M.

1. Boy Scout Pack 107 (10 and 11 yr. olds) and their leader, Cody Villines, will be asking the Council questions about Civic Issues to fulfill rank advancement requirements.

Finance Committee by Chairman Jeff Watson

2. **A Discussion** pertaining to possible Bond Refinance. Discussion led by Mayor Sprouse and Wyman Morgan, Administration and Financial Services Director.
3. **A Discussion** of CIP reporting. Discussion led by Mayor Sprouse, Wyman Morgan, Administration and Financial Services Director, and Laura Favorite, Finance Director.

Public Vehicle Commission by Chairman Kathy Jaycox:

4. **A Resolution** approving an application for a taxicab operator permit filed by Stewart "Stu" Larrabee on behalf of Fayetteville Taxi, LLC. Mr. Larrabee will have a presentation. **Pgs. 2 - 12**

RESOLUTION NO. _____

**A RESOLUTION APPROVING AN APPLICATION FOR
A TAXICAB OPERATOR PERMIT FILED BY STEWART
"STU" LARRABEE ON BEHALF OF FAYETTEVILLE
TAXI, LLC.**

WHEREAS, the City of Springdale has received an application for a taxicab operator permit filed by Stewart "Stu" Larrabee on behalf of Fayetteville Taxi, LLC.;

WHEREAS, Section 122-27 of the Code of Ordinances for the City of Springdale, Arkansas, provides that no taxicab operator permit shall issue unless and until the City Council shall certify a need for the additional service to be rendered by the applicant(s);

WHEREAS, after public hearings and public comment on the issue of public transportation within the City of Springdale, and after the Public Vehicle Commission for the City of Springdale met and recommended the Springdale City Council find that need exists for additional taxicab service in the City of Springdale, the Springdale City Council certified a need for additional taxicab services in the City of Springdale; and

WHEREAS, pursuant to Section 122-27 of the Code of Ordinances for the City of Springdale, the Springdale City Council conducted a hearing on the application for a taxicab operator permit filed by Stewart "Stu" Larrabee of Fayetteville Taxi, LLC.;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that a need for additional taxicab service exists in the City of Springdale, Arkansas, and the application for a taxicab operator permit filed by Stewart "Stu" Larrabee of Fayetteville Taxi, LLC. is hereby approved, and such permit shall issue at such time as the applicant complies with all requirements and provisions of Chapter 122 of the Code of Ordinances for the City of Springdale, Arkansas.

PASSED AND APPROVED this ____ day of _____, 2020.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, CITY CLERK

APPROVED AS TO FORM:

Ernest B. Cate, CITY ATTORNEY

CITY OF SPRINGDALE
APPLICATION FOR TAXICAB OPERATOR PERMIT
CITY OF SPRINGDALE, ARKANSAS

Name of Applicant: STEWART "STU" LARRABEE
Address: 2556 W. MT. COMFORT RD #10, FAYETTEVILLE, AR, 72704
Name of Company: FAYETTEVILLE TAXI LLC
Business Phone No.: 479-444-8294 (TAXI) Home Phone No.: 954-829-7961
Number of taxicabs to be operated: 10 Color Scheme to be used STRIPES OF RED
by taxicab company: & WHITE CHECKERS
(Company insuring taxicabs: SEE ATTACHED & ON FILE w/ SGT. BELL
(Name) SPD
(Address)
(Agent's Name) (Phone No.)

Insurance policy must be attached to application.

(I) (We), the undersigned taxicab operator permit applicant(s), agree to abide by all laws and regulations now in force and/or enacted or promulgated in the future relating to the conduct of the taxicab business in the City of Springdale, Arkansas, and further acknowledge receipt of Ordinance 2722, 2893 and agree to abide by all terms and conditions set out in the Ordinance.

(I) (We) further agree, if granted a permit, (I) (we) will name the City of Springdale as an insured on a policy of insurance which meets the requirements set out by the taxicab ordinance of the City of Springdale, Arkansas, and agree to notify the City, and have the insurance carrier notify the City, upon cancellation or lapse of the insurance policy. (I) (We) further understand that (I) (we) are to keep a current policy of insurance in effect and on file with the administrator insuring all taxicabs that are operated during the term of this permit.

State of Arkansas
County of Benton
Subscribed and Sworn to before me.

on this 17th day of January 2020.
ALEXIS TAVARES
BENTON COUNTY
NOTARY PUBLIC - ARKANSAS
My Commission Expires Aug. 31, 2028
Commission No. 12705010

[Signature]
(Signature)

Date: 01-17-2020

On back of this application, list the make, model, type and ownership of each taxicab or taxicabs to be used.

APPLICATION APPROVED: _____

Date Approved: _____

(Public Vehicle Commission Chairman)

CURRENT LIST OF TAXICABS

2x LINCOLN TOWN CARS - OWNED BY CORP.
IN SERVICE

1x LINCOLN TOWN CAR - OWNED BY S.L.
STANDBY

JUST PURCHASED LIST OF TAXICABS

2x FORD CROWN-VICS - OWNED BY S.L.
(BEING OUTFITTED TO A TAXICAB)

NOTE: TENTATIVE SPRINGDALE ADDRESS:

1010 HOLOCOMB ST.

WILL ENTER INTO ~~THE~~ LEASE, AS NEEDED,
AFTER CITY APPROVALS, BUT BEFORE
OPERATIONS BEGIN, AND/OR AS AGREED UPON.



CERTIFICATE OF LIABILITY INSURANCE

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES DESCRIBED HEREIN. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER, ITS AGENT, BROKER, REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, the certificate holder in lieu of such endorsement(s).

PRODUCER Stacey Carlson Insurance, PLLC 1700 W Industrial Drive, Ste G Rogers, AR 72756		CONTACT NAME: Stacey Carlson PHONE (A/C No. Ext): (479) 717-7444 E-MAIL: stacey@scarlsonins.com ADDRESS: stacey@scarlsonins.com	
INSURED Fayetteville Taxi LLC 2556 W Mount Comfort Rd Lot 10 Fayetteville, AR 72704		INSURER(S) AFFORDING COVERAGE INSURER A: The Burlington Insurance Company INSURER B: Progressive Casualty Insurance Company INSURER C: Wellfleet New York Insurance Company INSURER D: INSURER E: INSURER F:	

COVERAGES

CERTIFICATE NUMBER:

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE PERIOD OF TIME INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO THE COVERAGE, THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO THE EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR VVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	
A	GENERAL LIABILITY			582B007572	09/20/2019	09/20/2020	EACH OCCURRENCE
	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY						DAMAGE TO RENTED PREMISES (Ea occurrence)
	<input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR						MED EXP (Any one person)
	GEN'L AGGREGATE LIMIT APPLIES PER:						PERSONAL & ADV INJUR
	<input type="checkbox"/> POLICY <input type="checkbox"/> PROJECT <input type="checkbox"/> LOC						GENERAL AGGREGATE
B	AUTOMOBILE LIABILITY			06576923-1	02/28/2019	02/28/2020	COMBINED SINGLE LIMIT (Ea accident)
	<input type="checkbox"/> ANY AUTO						BODILY INJURY (Per persc)
	<input type="checkbox"/> ALL OWNED AUTOS						BODILY INJURY (Per accid)
	<input type="checkbox"/> HIRED AUTOS						PROPERTY DAMAGE (Per accident)
	<input checked="" type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> NON-OWNED AUTOS						Personal Injury Prot.
	UMBRELLA LIAB			ARX10151400	09/24/2019	09/24/2020	EACH OCCURRENCE
	EXCESS LIAB						AGGREGATE
	<input type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS-MADE						
	DED RETENTION \$						
C	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY			ARX10151400	09/24/2019	09/24/2020	<input checked="" type="checkbox"/> WC STATUTORY LIMITS <input type="checkbox"/> OTHER
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICE/MEMBER EXCLUDED? (Mandatory in NH)						E.L. EACH ACCIDENT
	If yes, describe under DESCRIPTION OF OPERATIONS below						E.L. DISEASE - EA EMPLO
							E.L. DISEASE - POLICY LI

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)

Sec. 122-27. - Authority of administrator; taxicab permit; prerequisites; taxicab driver's permit; general prohibition.

[SHARE LINK TO SECTION](#)[PRINT SECTION](#)[DOWNLOAD \(DOCX\) OF SECTION](#)[EMAIL SECTION](#)[COMPARE VERSIONS](#)

Authority of the public vehicle commission. (a)

(1)
The public vehicle commission shall meet on the call of the chairman or of two members thereof, or at the request of the administrator, at such times as may be necessary to transact its business. The public vehicle commission shall recommend rates, which must be adopted by the city council.

(2)
The public vehicle commission shall promulgate rules and regulations to govern the taxicab business, which shall deal with, but shall not be limited to the operation and maintenance of taxicabs, safety equipment, the keeping of a manifest, the providing of services, the loading and the unloading of passengers, and the holding of hearings.

Authority of the administrator. (b)

(1)
The administrator shall be responsible for enforcing the provisions of this ordinance applying to taxicabs, as well as the rules and regulations promulgated by the public vehicle commission.

(2)
The administrator shall also make recommendations to the public vehicle commission concerning the regulations set out in this article.

Taxicab operator permit/shuttle service permit. (c)

(1)
Required. No permit to operate a taxicab in the city shall be issued unless and until the Springdale City Council shall certify the public need for taxicab service requires the additional service to be rendered by the applicant. Before the city council decides this issue, the public vehicle commission shall meet and consider the issue and make a recommendation to the Springdale City Council. In deciding whether a permit shall be issued, the council shall consider the criteria set out in [section [122-27](#)](d)(13) of this article. No certificate shall be required for the renewal of any operators license.

(2)
No person shall operate or permit a taxicab owned, leased, or controlled by them to be operated in the city without having first obtained a taxicab operator permit, if such a permit is required under the provisions of this article, as amended. Further, the taxicab operator permit shall be renewable under the provisions of this article.

(3)
No person not licensed under this article shall display a sign on a motor vehicle reading "taxi", "taxicab", or anything of the same meaning for the purpose of soliciting passengers for hire in the city.

(4)

Application. No later than ten days after receipt of a completed application for a taxicab operator permit, the administrator shall notify the applicant in writing of the date that the public vehicle commission will meet to make a recommendation on the application. At the next regularly scheduled meeting of the Springdale City Council following this meeting of the public vehicle commission, a hearing will be conducted on the application in front of the Springdale City Council. The city shall cause to be given to each and every taxicab operator in the city a due and reasonable notice in writing of the date and time of this hearing. The hearing shall be conducted by the city council for all persons interested in or affected by the application.

(5)

Shuttle services are not required to have a taxicab operator's permit so long as they have a valid shuttle service permit. In addition to this permit, shuttle services must also obtain the following licenses from the Springdale City Clerk:

a.

A shuttle service license (issued annually). In obtaining such license, the shuttle service operator shall present proof of their shuttle service permit. If at any time after the shuttle service license is issued by the city clerk, the shuttle service permit is revoked or suspended, or not renewed for any reason by the Northwest Arkansas Regional Airport Authority, then such shuttle service permit issued by the city clerk shall be canceled. Shuttle service operators are not subject to the taxicab rates set out in this article, nor any other restrictions set out in this article, except those specifically set out in [section 122-27\(c\)\(5\)](#).

(d)

General provisions. Before any taxicab operator permit may be issued, the applicant shall satisfy the following conditions:

(1)

Every operator shall agree to abide by all laws and regulations now in force and/or enacted or promulgated in the future relating to the conduct of the taxicab business in the city.

(2)

Every operator shall maintain a fixed place of business and every operator shall maintain an office open and staffed for a minimum of eight hours a day, five days a week. Every operator shall have a telephone number in the name of the business, which is published in the local directory, and accessible through directory assistance.

(3)

Every operator shall agree to notify the administrator immediately upon change of business address.

(4)

Every operator shall provide for each taxicab a communication system to be approved by the administrator and comply with FCC regulations.

(5)

Every taxicab operator shall maintain a dispatch system in operation 24 hours each day, capable of providing reasonably prompt service in response to requests received by telephone. The dispatch system shall be approved by the administrator and comply with FCC regulations. Two-way radios are the preferred system. CB radios will not be used as the source of communication between the operator's place of business and the taxicab picking up passengers.

(6)

Every operator providing taxicab service in the city shall at all times meet all safety standards required by state and federal law and minimum requirements established by the rules and regulations. All taxicabs must be in mechanically safe condition and must be equipped with basic equipment that ensures the safety and well being of the passengers. This includes, but is not limited to: operating air conditioning and heating systems, functional seat belts, non-cracked window glass, and exhaust system. Seats, floor coverings, and headliners shall be clean, sanitary, and free of visually unappealing, shabby, or torn areas.

(7)

No operator shall permit a taxicab to be operated in the city until it has been inspected and approved by the administrator. The administrator shall authorize the police department to perform an inspection on each taxicab before an operator permit is issued and an annual inspection every year thereafter to ensure compliance to all federal, state, and local rules and regulations. The administrator is authorized to make spot inspections of such taxicabs. If any taxicab operator in the city does not comply with the provisions of this article and established rules and regulations, a hearing will be called in front of the public vehicle commission to determine if the taxicab operator permit should be suspended or revoked.

(8)

Inspections. The operator shall inspect taxicabs on a daily basis for compliance with all pertinent provisions of this article and rules and regulations promulgated hereunder.

(9)

Insurance. Before any taxicab operator permit is issued, the applicant shall file with the administrator a copy of a policy of insurance issued by some good and solvent corporate insurer licensed to do business in the State of Arkansas covering separately, or on a schedule attached to such policy, each taxicab to be operated under the direction of such applicant. The policy must insure payment in accordance with the provisions thereof to any person, except employees of the applicant, for personal injuries to such person and for any damage to property, except property owned, rented to leased to, in charge of, or transported by the operator other than baggage of passengers, caused by the operation of such taxicab. The policy must be for the minimum amounts required under Arkansas law, which are currently \$25,000.00 for the injury or death of any one person and subject to that limit for each person up to \$50,000.00 for each accident; and for damage to property, \$15,000.00 for each accident. The city shall be listed as an additional insured on the policy, and is to receive notice from the insurance company of lapse or cancellation of such policy. Upon lapse or cancellation of such policy, the taxicab operator permit granted to the operator shall be suspended as of the day the operator's insurance ceases to be in effect: it will thereafter be unlawful for such operator to operate any taxicab in the city.

(10)

Identification. The administrator shall allocate a sequence of numbers to each operator for the purpose of identifying all taxicabs. From that sequence an operator shall allocate a number for each of its taxicabs. This number shall be at least three inches in height; letters of the operator's name shall also be at least three inches in height. Both the number and name of the operator shall be permanently affixed to the taxicab in contrasting colors. The color scheme shall be approved by the administrator.

(11)

Transfer of taxicab operator permit. No taxicab operator permit granted under this article may be sold, assigned, transferred, leased or mortgaged without the approval of the public vehicle commission.

(12)

Application and fees. Application for a taxicab operator's permit shall be made on forms provided by the Springdale City Clerk and such application shall be verified by oath and shall set forth the facts showing the qualifications of the applicant to render taxicab service within the City of Springdale, together with the facts the applicant considers justified and required in rendering to the public taxicab service. The application shall contain information as required and it shall be accompanied by an annual fee of \$100.00 base charge plus an annual \$10.00 charge per taxicab.

(13)

Criteria. At the hearing on an application, such factors as the following shall be taken into consideration:

- a. Financial responsibility of applicant;
- b. Moral character;
- c. Number of vehicles to be operated;
- d. Make, model, type and ownership of taxicab or taxicabs to be used;
- e. Color scheme to be used;
- f. Effect of additional taxicabs upon traffic congestion, vehicular and pedestrian alike;
- g. Whether taxes have been paid when due;
- h. Whether the applicant proposes to own, rent or lease some other taxicabs to be used in operating such service;
- i. Total number of taxicabs in operation;
- j. Whether the requirements of public convenience and necessity can be met and complied with only by the issuance of additional permits;
- k. The resulting effect upon the business of existing permit holders and upon existing agencies of mass transportation in the city;
- l. Whether the applicant will operate and continue to operate during the time that the taxicab operator permit shall remain in effect.

(e)

Renewal or change in terms of taxicab operator permit.

(1)

Taxicab operators shall apply for renewal of their permits at least 60 days before expiration of their permits and the taxicab permits shall all expire on December 31 every three years. All permits issued shall expire on the same date, and any permit issued pursuant to this ordinance shall first expire at 11:59 p.m. on December 31, 1999.

(2)

A holder desiring a change in the terms or conditions of the permit must file with the administrator at least 60 days before the permit expires a written request stating reasons for the requested changes.

(3)

If the administrator determines that a denial of an operator permit, renewal or material change in the terms or conditions of the permit is required, or if a holder requests a material change in the terms or conditions of the permit, the administrator shall submit for consideration to the public vehicle commission a written report containing his recommendations. Upon action being taken by the public vehicle commission, the administrator shall issue a denial of permit renewal or renew the permit as directed by the public vehicle commission.

(4)

If the permit expires through no fault of the holder before a ruling on the approval or denial of the renewal, the holder may continue to operate the taxicab service pending a final decision. The holder shall cease operation of the taxicab service immediately upon denial of the request for renewal by the public vehicle commission.

(f)

Taxicab driver's permit.

(1)

Required. No person shall operate a taxicab for hire in the city and no person who owns or controls a taxicab shall permit it to be so operated at any time for hire, unless the driver of said taxicab shall have first obtained and shall then have in force a taxicab driver's permit issued under the provisions of this chapter.

(2)

Qualifications. No taxicab driver's permit shall be granted unless the applicant has the required Arkansas license for transporting passengers, and the applicant has no active suspension on his or her driving privileges in any state. Further, no permit shall be issued if the applicant has been convicted of a felony in the past five years. Further, no permit shall be issued if the felony conviction was for a sexual offense, an offense involving drugs, or the use of a firearm in the commission of the offense, or if it was a violent felony, regardless of when the felony occurred (there is no five-year limitation for this type [of] felony crime).

(3)

Application. Any person desiring a taxicab driver's permit shall, under oath, apply in writing to the administrator. The form of such application shall be developed by the administrator and shall include, but not be limited to, the age, name and address of the applicant. The police department shall also have the authority to require additional documentation, as needed, to process the application.

a.

Fee. A fee of \$5.00 shall be paid to the city at the time the original application is filed, and an annual fee of \$5.00 shall be assessed each year for renewal of the permit.

b.

[Reserved.]

c.

When the application is approved, the taxicab driver's permit shall be issued in card form designed by the administrator. The photograph of the driver shall be attached to the card. Each driver will be given a taxicab drivers permit number which will be on such permit. This card shall be posted in a prominent place in the taxicab as prescribed by the administrator and shall be shown to any passenger, police officer, or to the administrator upon request. Only one driver's permit shall be posted in a taxicab at any time.

d.

Acknowledgment of application. The applicant shall acknowledge with any application that he or she understands that the taxicab driver's permit, if granted, will be for a specific period of time not to exceed one year, and an annual fee will then be charged for renewal of the permit. The applicant shall also acknowledge that it is his or her obligation to notify the administrator any time the drivers driving privileges are suspended, or the driver is convicted for driving while intoxicated or actual control of a motor vehicle while intoxicated.

(4)

Investigation. Each applicant shall be given an Arkansas State Police background check form which they will complete and forward to the Arkansas State Police, Records Section, with required fee. Each applicant shall obtain a driver's license history report from the department of finance and administration and pay any resulting fee. Upon return of the record check and driver's history report, the applicant will deliver it to the administrator for completion of the background investigation. The administrator shall forward all applications to the Springdale Police Department, Records Section, for a city criminal record check and traffic record. The police department shall return the application with the criminal record check and traffic record to the administrator. The administrator may develop rules and regulations with respect to the investigation and issuance of a taxicab driver's permit, but no driver's permit shall be issued if the applicant has a suspended or revoked driver's license in any state. Renewal of permit shall require a yearly driver's history report to be submitted and an Arkansas State Police background check performed on a bi-annual basis.

(5)

Duplicate driver's permit. Upon presentation of convincing evidence that a taxicab driver's permit has been lost or destroyed and payment of a replacement fee of \$2.50 the administrator shall issue a duplicate driver's permit.

(6)

Penalty for DWI. Suspension of taxicab driver's permits shall be for three years for the conviction of driving while intoxicated.

(7)

Smoking prohibited. No taxicab driver or other employee of the taxicab company shall smoke in the taxicab while passengers are present.

(g)

Use of scanner prohibited; monitoring of other operators' calls prohibited. The use of scanners and the monitoring of other operators' calls is hereby prohibited.

(h)

Emergency suspension; grounds for suspension or revocation of permit. The administrator has the power to suspend a taxicab operator permit or a taxicab driver's permit in the case of an emergency. The administrator also has the power to seek an injunction in the event of such emergency. The administrator shall hold hearings and make recommendations to the public vehicle commission concerning suspension or revocation of operators' and drivers' permits. Such action may be taken for, but shall not be limited to, violation of rules and regulations as developed by the administrator, violation of this article, the criminal laws of the State of Arkansas, or the laws of the United States.

(i)

Hearings. If a taxicab operator or driver feels aggrieved by any action taken by the administrator, such person can appeal the decision of the administrator to the public vehicle commission. If any taxicab operator or driver feels aggrieved by any decision by the public vehicle commission, such person may take an appeal to the city council for the city. If there is an appeal from the administrator's decision to the public vehicle commission, such appeal will be heard within ten days after the public vehicle commission is notified that a hearing is requested. If an appeal is taken to the city council, the council shall set a hearing on the appeal within 21 days after the city clerk is notified of such appeal request.

(Ord. No. 2722, § A, 3-11-97; Ord. No. 2885, § 1, 1-26-99; Ord. No. 2893, §§ B—I, 2-23-99; Ord. No. 2927, §§ B, C, 8-24-99; Ord. No. 4061, § 1, 6-12-07; Ord. No. 4577, 3-27-12)